PROSKAUER ROSE LLP Attorney for Plaintiff Howard L. Ganz 1585 Broadway New York, New York 10036 (212) 969-3000

I HEREBY CERTIFY that on January 28, 2008, service of the Endorsed

Memorandum reinstating Altria Group, Inc.'s Motion to Dismiss, originally filed on January 14,

2008, was made by fax upon the plaintiff by service upon his counsel:

Robert B. Stulberg, Esq. Broach & Stulberg, L.L.P. One Penn Plaza -- Suite 2016 New York, NY 10019 Direct tel: 212.268.1000 Direct fax: 212.947.6010

Dated:

New York, New York January 29, 2008

Ariane R. Buglione